

REMARKS

The Applicants have carefully reviewed the Final Rejection and Advisory Action issued in this patent application. In response the Applicants submit a Request for Continued Examination and this Amendment. After review and consideration of the amended claims in view of the following comments, it is believed the Examiner will agree that the invention set forth in the claims patentably distinguish over the prior art.

As amended, claim 1 reads upon an acoustical and thermal insulator comprising a multilayer composite including (a) a first facing material layer, (b) a fibrous polymer based blanket layer, and (c) an insulation insert encapsulated by the first facing material layer and the fibrous polymer based blanket layer. This structure differs from any combination of U.S. Patents 6,093,481 to Lynn et al. and 4,985,106 to Nelson et al. as proposed by the Examiner.

Specifically, the primary reference to Lynn et al. relates to insulating sheeting explicitly including a “rigid foam core” 13 in combination with various laminate configurations as illustrated in Figures 1-4. As noted by the Examiner, the Lynn et al. reference does not teach or suggest in any manner the provision of an insulation insert of any material encapsulated in the first facing material layer and a polymer based blanket layer as set forth and claimed in claim 1 of the present application. Further, it must be appreciated by the Examiner that the acoustical and thermal insulator of amended claim 1 specifically includes a fibrous polymer based blanket layer. A fibrous polymer based blanket layer differs from the rigid foam

core as taught in the Lynn et al. reference. Further, Lynn et al. does not teach or suggest to one skilled in the art that a fibrous polymer based blanket layer is an equivalent to or could be substituted for the rigid foam core disclosed. More specifically, the Lynn et al. reference explicitly teaches utilizing a foam core 13 and laminating that foam core with polymeric layers to provide “rigidity, and other properties” (see, for example, column 4 lines 23-34 of the Lynn et al. patent). It is submitted that the structure disclosed in Lynn et al. differs from that set forth in claim 1 of the present application.

Further, it should be appreciated that even if an insulation insert as taught in the Nelson patent is provided in the insulating sheeting taught in the Lynn et al. patent as suggested by the Examiner, the resulting structure differs from that of the present invention. Specifically, the proposed combination of references provides insulating sheeting with a foam core and an insulation insert. This is not equivalent to the acoustical and thermal insulator set forth in claim 1 incorporating an insulation insert encapsulated by a first facing material layer and a fibrous polymer based blanket layer. Thus, it is submitted that claim 1 patentably distinguishes over the proposed combination of references and should be allowed.

Claim 2 which depends from claim 1 and is rejected on the same grounds is submitted to be allowable for the same reasons. Further, claim 2 provides an additional limitation that further supports its allowability. In claim 2 the first facing layer is described as being constructed from a heat reflective metallic foil having a thickness of between substantially 0.5-5.0

mil. In contrast the facing sheets in the Lynn et al. patent are explicitly taught as providing rigidity to the foam core and a metallic foil would not serve such a purpose. Accordingly, the structure in claim 2 is in no way suggested by the art cited by the Examiner and claim 2 should be formally allowed.

Claim 6 which depends from claim 1 and is rejected on the same grounds is also submitted to be patentably distinguished over the combination of the Lynn et al. patent with the Nelson patent. Claim 6 describes the fibrous polymer based blanket layer as being selected from a group of various materials. The primary reference to Lynn et al. refers to foam materials not fibrous materials as claimed and, accordingly, claim 6 should be allowed. The same is also true of claims 7-10, 12 and 14-17 since the primary reference to Lynn et al. and the secondary reference to Nelson simply fail to teach or suggest the claimed structure.

Claims 3-5 are also submitted to patentably distinguish over a combination of the Lynn et al. and Nelson patents cited above even when considered in combination with U.S. Patent 4,438,166 to Gluck et al. In accordance with the Examiner's comments, the Gluck et al. patent is cited for its disclosure of a metallic foil reinforced with a fibrous scrim, a fibrous mat or a fibrous web consisting of glass fiber threads in a criss-cross pattern. The Gluck patent, however, fails in any manner to address the shortcomings noted above with respect to the teachings of the primary reference to Lynn et al. and the secondary reference to Nelson which prevent that combination from forming a valid basis for the rejection of

claim 1 from which claims 3-5 depend. Applicants submit that the references would not lead one of ordinary skill in the art to provide an insulation insert of the material claimed encapsulated by a first facing material layer and a fibrous polymer based blanket layer. Accordingly, claims 3-5 patentably distinguish over the prior art and should be formally allowed.

Applicants submit that Claim 7 patentably distinguishes over the Lynn et al. and Nelson patents when considered in combination with U.S. Patent 5,366,678 to Nomizo et al. In accordance with the Examiner's comments, the Nomizo et al. patent is cited for its disclosure of a compression molding process to control the density and hardness of specific regions of a product, in this case a seat cushion. The Nomizo et al. patent, like the Gluck et al. patent does not incorporate any form of insulation insert and, accordingly, it cannot provide the teachings missing from the Lynn et al. and Nelson patents noted above. Accordingly, Applicants state one of ordinary skill in the art would not choose to combine the references cited to make obvious Applicants invention as recited in Claim 7.

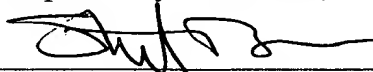
Finally, Applicants submit that claims 11 and 13 are patentable over the Lynn et al. and Nelson patents when considered in combination with U.S. Patent 6,096,416 to Altenberg. The Altenberg patent is cited for its disclosure of a facing layer including a scrim in an insulating panel for the purpose of providing improved mechanical properties and flame resistance. The Altenberg patent does not include any form of encapsulated insulation insert. Accordingly, Applicants submit that the Altenberg patent does not

address the shortcomings noted above with respect to the combination of the primary reference to Lynn et al. and the secondary reference to Nelson. Thus, Applicants submit this proposed combination of references would not teach or suggest, to one of ordinary skill in the art, the provision of an acoustical or thermal insulator having an insulation insert encapsulated by a first facing material layer and a fibrous polymer based blanket layer as claimed. Thus, the combination of references does not provide a proper basis for the rejection of claims 11 and 13 under 35 USC § 103.

Accordingly, Applicants request these claims be allowed.

In summary, all the pending claims patentably distinguish over the prior art and should be formally allowed. Upon careful review and consideration, it is believed the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited. If any fees are required pertaining to this response, the Applicants request that they be charged to Deposit Account No. 50-0568.

Respectfully submitted,



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